providing that the rate of wages for laborers on work done by contract for the city in the improvement of the streets shall not be less than a certain sum for a calendar day's work of eight hours, is constitutional and valid.

The state may within its police power look after the health, safety and comfort of its citizens. *Holden v. Hardy*, 169 U. S. 366; *State v. Buchanan*, 29 Wash. 603. And the only state, perhaps, that holds the eight hour law, as applied to miners, invalid is Colorado. *In re Morgan*, 28 Colo. 415. It is clearly within the power of the state to limit the number of hours a laborer may be permitted to work in one day on any public work undertaken by it. *In re Dalton*, 61 Kan. 257; *People v. Beck*, 30 N. Y. Supp. 473. The power to do this rests upon the principle that it belongs to the state to prescribe the conditions upon which it will permit public work to be done on its behalf. *Atkin v. Kansas*, 191 U. S. 207. A contractor or laborer cannot object upon constitutional grounds to a liability which he has voluntarily assumed, in consideration of a benefit conferred. *Bertholf v. O'Reilly*, 74 N. Y. 517.

NUISANCE — ACTION FOR DAMAGES — LEASED PREMISES. — MILLER ET AL. v. ELECTRIC ILLUMINATING CO. OF N. Y., 76 N. E. 734 (N. Y.) *Held*, that plaintiff could not recover for any depreciation in the rental value pending the lease as the tenant was alone entitled to recover for any such injury. Gray, Bartlett and Haight, JJ., *dissenting*.

The settled rule of law seems to be that the owner of the reversion may sue in an action on the case when an injury to his reversionary interest is committed, 4 *Kent's Com.* 119; 8 Pick. 235; 31 Iowa 138; *Tiffany on Real Property* Vol. 1 p. 93. The judges of the majority opinion in the case *supra* admit this but hold that the injury necessarily must be of a permanent character, 29 N. Y. Sup. 1000. It is also admitted that the defendant, having separate assets, may sue for the diminution of his enjoyment of the premises. But when the question of which shall sue for the depreciation of rental value comes up the authorities are in conflict. The case of *City of Eufaula v. Simmons*, 86 Ala. 515, holds that the damage suffered was properly measured by the diminished rental value of the premises for the year during which the nuisance continued if he elected to claim only for that period, waiving the question of permanent injury. *The Tallman case*, 121 N. Y. 118; *Lawrence case*, 126 N. Y. 483; *Whitmark v. N. Y. Elev. R. R.*, 76 Hun. 302; *Diermger v. Wehrman*, (Dist. Ct.) 12 Wkly Law Bul. 222, substantially hold to the same view. But the majority opinion in the case reported hold that these cases or the Elevated R. R. cases are *sui generis* and are governed by principles which apply to no other class of cases. They are supported in this view by, *Stowers v. Gilbert*, 156 N. Y. 604; *Ottentot v. N. Y. L. & W. R. Co.*, 119 N. Y. 603; *Uline v. N. Y. C. & H. R. R. Co.*, 101 N. Y. 98.

PATENTS — CONTRACTS — ROYALTIES. — BENNETT V. IRON CLAD MFG. CO., 96 N. Y. SUP. 968. Defendant acquired the right to manufacture and sell plaintiff's patented article during the life of the patent, and agreed to pay plaintiff a royalty on each article manufactured. On defendant's failure to pay the royalties, plaintiff recovered judgment for the royalties and for the cancellation of the contract. The judgment was affirmed on defendant's